

## HUMAN SERVICES DEPARTMENT[441]

### Adopted and Filed Without Notice

Pursuant to the authority of Iowa Code section 217.6, the Department of Human Services rescinds Chapter 57, "Interim Assistance Reimbursement," Iowa Administrative Code, and adopts a new chapter with the same title.

Interim Assistance Reimbursement is a federal program that allows county assistance agencies to recover funds expended for basic needs of food, clothing and shelter for a county resident who has applied for Supplemental Security Income (SSI). The Department has an agreement with the Social Security Administration to allow the state of Iowa to participate in the program. The Department then enters into agreements with the county assistance agencies for their participation.

When a county resident agrees to participate in the program, the Social Security Administration will issue all or part of the resident's SSI cash benefits for past months directly to the authorized county agency as reimbursement for expenses the county agency paid in each month. Agreement to participate in the program will also protect the resident's application filing date for SSI if the resident and the county agency follow up within the Social Security Administration's designated time limits. All case processing is done by the county agency. The resident may appeal to the county agency if the resident disagrees with the amount of funds distributed.

This rule making:

- Adds county commissions of veteran affairs to the definition of "county agency."
- Removes requirements that are more appropriately reserved for inclusion in the agreement between county agencies and the Department. New agreement language has been issued by the Social Security Administration. The Department will be entering into new agreements with county agencies that will take effect on September 25, 2010. Taking the agreement provisions out of the rules will allow agreements to be modified more easily when changes are needed to administer the program.
- Removes a provision for automatic renewal of the agreement between the Department and the county agency. The Department had considered requiring periodic review of the agreement, but has determined that these agreements are not "service contracts" within the meaning of Iowa Code chapter 8F.
- Provides that county agencies shall submit Form 470-1947, Certificate of Authority, directly to the Social Security Administration, with a copy to the Department.

These rules do not provide for waivers in specified situations because participation in this program is limited to agencies that enter into an agreement with the Department. Conditions for participation are dictated by an agreement between the Social Security Administration and the state.

The Council on Human Services adopted these rules on July 21, 2010.

The Department finds that notice and public participation are impracticable because the state's contract with the Social Security Administration requires that changes in the county agreements be implemented no later than September 25, 2010. Therefore, these rules are filed pursuant to Iowa Code section 17A.4(3).

These rules are also published herein under Notice of Intended Action as **ARC 8991B** to allow for public comment.

These rules are intended to implement Iowa Code chapter 249 and 1984 Iowa Acts, chapter 1310, section 9.

These rules shall become effective on September 15, 2010.

The following amendment is adopted.

Rescind 441—Chapter 57 and adopt the following new chapter in lieu thereof:

### CHAPTER 57 INTERIM ASSISTANCE REIMBURSEMENT

#### **441—57.1(249) Definitions.**

*“Benefits”* means Supplemental Security Income (SSI) for the aged, blind, and disabled (a federal cash assistance program under Title XVI of the Social Security Act) and any federally administered state supplementary assistance payments that are determined by the Social Security Administration to be due an individual at the time the SSI payment is made.

*“County agency”* means a county or county subdivision under the jurisdiction of the county board of supervisors, including a county commission of veteran affairs, that furnishes relief in the form of cash or vendor payments to or in behalf of needy persons in accordance with established standards under the provisions of Iowa Code chapter 35B or 252.

*“Initial payment”* means the amount of benefits determined by the Social Security Administration to be payable to an eligible person (including any retroactive amounts) when the person is first determined to be eligible for SSI. The initial payment does not include any emergency advance payments, any presumptive disability or blindness payments, or any immediate payments authorized under Section 1631 of the Social Security Act.

*“Initial posteligibility payment”* means the amount of benefits determined by the Social Security Administration to be payable to an eligible person (including any retroactive amounts) when the person is first determined eligible for SSI following a period of suspension or termination. The initial posteligibility payment does not include any emergency advance payments, any presumptive disability or blindness payments, or any immediate payments authorized under Section 1631 of the Social Security Act.

*“Interim assistance”* means assistance in the form of cash or vendor payments for meeting basic needs furnished by a county agency during the interim period. “Basic needs” include food, clothing, shelter, medical care and services not covered by Medicaid, and other essentials of daily living. Interim assistance does not include the county payment of social services costs associated with services during the interim period or medical care or services covered by Medicaid.

*“Interim period”* means either (1) the period beginning with the month following the month in which a person filed an application for benefits for which the person was found to be eligible and ending with and including the month the person’s benefits began, or (2) the period beginning the day the person’s benefits were reinstated after a period of suspension or termination, and ending with (and including) the month the person’s benefits were resumed. The interim period does not include any periods during which the person is underpaid by the Social Security Administration due to that agency’s failure to make a timely modification of the person’s SSI benefit or for any other reason.

**441—57.2(249) Requirements for reimbursement.** In order to receive reimbursement for interim assistance payments, a county agency must meet the following requirements.

**57.2(1) Agreement.** The county agency shall enter into a written agreement with the department of human services on Form 470-1948, Interim Assistance Reimbursement Agreement.

**57.2(2) Authorization.** The county agency shall secure written authorization from the person seeking interim assistance. By signing Form 470-1950, Authorization for Reimbursement of Interim Assistance, the person:

- a. Indicates the intent to apply for SSI benefits.
- b. Authorizes the Social Security Administration to:
  - (1) Withhold the amount of interim assistance from the person’s initial payment or initial posteligibility payment, and
  - (2) Make this amount payable to the county agency.

**57.2(3) Records.** The county agency shall:

- a. Maintain a file for each person who has received interim assistance.
- b. Maintain adequate records of all transactions made relating to interim assistance.
- c. Comply with the provisions of the Federal Information Security Management Act (FISMA); 20 CFR Part 401 as amended to April 1, 2009; and the Privacy Act of 1974 relating to the safeguarding of information concerning individuals who have applied for interim assistance.

**441—57.3(249) Certificate of authority.**

**57.3(1)** The county agency shall submit the information requested on the Certificate of Authority, Form 470-1947, to the Social Security Administration at the address given on the form:

- a.* Before the date the agency first participates in the program, and
- b.* Subsequently when changes in the list of authorized officials occur.

**57.3(2)** The county agency shall submit a copy of Form 470-1947 to the department of human services at the address given on the form each time the form is submitted to the Social Security Administration.

These rules are intended to implement 1984 Iowa Acts, chapter 1310, section 9.

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